

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

FILED

E-FILING

2008 FEB 20 P 2:52

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID LOUIS BEHAR,
LINDSAY ROBIN HOGUE,
TARA BERGSTRAND, and
JOHN ROGER LAGACE,
a/k/a Brandon Draper,

Defendants.

CR No. CR 08 00088

VIOLATIONS: 21 U.S.C. §§ 846 –
Conspiracy to Distribute lysergic acid
diethylamide (LSD); 18 U.S.C. § 4 –
Misprision of a Felony

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Distribute LSD)

Beginning at a time unknown to the United States, but no later than November 28, 2007,
and continuing through and including November 29, 2007, in the Northern District of California
and elsewhere, the defendant,

DAVID LOUIS BEHAR,
did knowingly and intentionally conspire with other persons, known and unknown, to distribute 5
grams and more of a controlled substance, to wit, lysergic acid diethylamide, commonly known
as LSD, in violation of Title 21, United States Code, Section 846.

INFORMATION

1 COUNT TWO: (21 U.S.C. § 846 – Conspiracy to Distribute LSD)

2 Beginning at a time unknown to the United States, but no later than November 28, 2007,
3 and continuing through and including November 29, 2007, in the Northern District of California
4 and elsewhere, the defendant,

5 JOHN ROGER LAGACE,
6 a/k/a Brandon Draper,

7 did knowingly and intentionally conspire with other persons, known and unknown, to distribute
8 27 grams and more of a controlled substance, to wit, lysergic acid diethylamide, commonly
9 known as LSD, in violation of Title 21, United States Code, Section 846.

10
11 COUNT THREE: (18 U.S.C. § 4 – Misprision of a Felony)

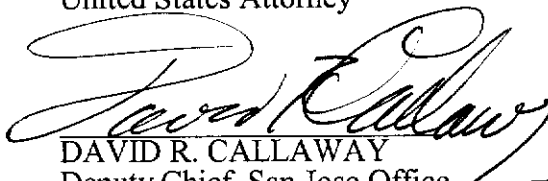
12 On or about November 2007, in the Northern District of California, and elsewhere, the
13 defendants,

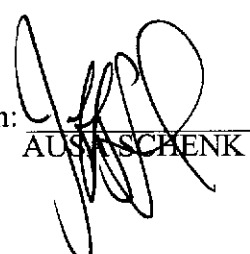
14 LINDSAY ROBIN HOGUE, and
15 TARA BERGSTRAND,

16 having knowledge of the actual commission of a felony cognizable by a court of the United
17 States, to wit: conspiracy to distribute LSD, did knowingly conceal and fail as soon as possible to
18 make known the commission of said felony to a judge and any other person in civil authority
19 under the United States, all in violation of Title 18, United States Code, Section 4.

20 DATED: 2/20/08

21 JOSEPH P. RUSSONIELLO
22 United States Attorney

23 
24 DAVID R. CALLAWAY
25 Deputy Chief, San Jose Office

26 (Approved as to form: )

27 AUSCHENK
28

INFORMATION

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 21 U.S.C. Section 846 -
 CONSPIRACY TO DISTRIBUTE
 5 GRAMS AND MORE OF LSD
E-FILING
☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 minimum mandatory term of 5 years imprisonment
 maximum term of 40 years imprisonment
 \$2,000,000 fine; \$100 special assessment
 at least 4 years of Supervised Release
PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 DRUG ENFORCEMENT ADMINISTRATION

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

07-70709 HRL

 Name and Office of Person
 Furnishing Information on
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

JEFFREY B. SCHENK

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

DAVID L. BEHAR

DISTRICT COURT NUMBER

 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CAL. S.J.
**JW
RS****CR****08 00088**

DEFENDANT

IS NOT IN CUSTODY

- 1)
- ☐
- Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☒
- On this charge
-
- 5)
- ☐
- On another conviction
-
- 6)
- ☐
- Awaiting trial on other charges }
- ☐
- Fed'l
- ☐
- State
-
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

1

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**18 U.S.C. Section 4 -
MISPRISION OF A FELONY☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**E-FILING****PENALTY:**maximum term of 3 years imprisonment
\$250,000 fine
\$100 special assessment
3 years Supervised Release**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
DRUG ENFORCEMENT ADMINISTRATION☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
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(if assigned)

JEFFREY B. SCHENK

DEFENDANT U.S.

LINDSAY ROBIN HOGUE

DISTRICT COURT NUMBER

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NORTHERN DISTRICT OF CALIFORNIA

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- 5) ☐ On another conviction
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CONSPIRACY TO DISTRIBUTE
27 GRAMS AND MORE OF LSD☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**E-FILING****PENALTY:**minimum mandatory term of 10 years imprisonment
maximum term of life imprisonment
\$4,000,000 fine; \$100 special assessment
at least 5 years of Supervised Release**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
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